UNITED STATES PATENT AND TRADEMARK OFFICE

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10/576,036	07/24/2006	Susanne Kronenberg	3926246	7260

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EXAMINER
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ART UNIT	PAPER NUMBER
2626	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 January 2007</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>7-12</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>7-12</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   In response to the Office Action mailed November 16, 2006, applicant submitted

an amendment filed on January 30 2007, in which the applicant traversed and

requested reconsideration with respect to **claim 7**.

Response to Arguments

2.   Applicant argues that Surace discloses a voice user interface with personality in

which a prompt is selected based on various context situations, such as previously

selected prompts and the user's experience with using the voice user interface.

However, Surace does not disclose initializing a dialog step with a shortened prompt

and outputting a detailed prompt if there is no utterance by the system user in response

to the shortened prompt after a specific time (speech recognition timeout). According to

the claimed method *a speech prompt* is outputted, based on the first limitation. Then

the system waits for an utterance in response to the speech prompt in order to

determine whether the user is inexperienced or experienced. If the system determines

that the user is inexperienced, a shortened prompt is initialized. If there is no utterance

by the system user, a detailed prompt is output. According to the first step, it is not

clear whether the initial prompt is detailed or shortened. In other words, the initial

prompt could be a detailed prompt and based on the system users response a

shortened prompt can be outputted, not initialized. If the shortened prompt is always

initialized, then the first limitation "outputting a speech prompt by the speech dialog

system", would not be valid. In response to applicant's argument that the references fail

to show certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., that the dialog step *always* begins with a shortened prompt, so that

it is **always** possible for the user (expert) to take initiative, that is to say he **always** has

the possibility of deciding about the type of dialog) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). Applicant's arguments filed January 30, 2007 have

been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   **Claims 7-12** are rejected under 35 U.S.C. 102(b) as being anticipated by Surace

et al. (USPN 6,144,938), hereinafter referenced as Surace.

        Regarding **claim 7**, Surace discloses a method for user-adaptive dialog guidance

for a speech dialog system (dialog interaction; column 3, lines 62-66), in which a speech

prompt is output by the speech dialog system (prompt is selected for output; column 10,

lines 60-64), wherein in response to this the speech dialog system waits for an

utterance by the system user, for which purpose a speech recognition system is

activated in order to understand the utterance by the user (includes terms that are

recognized by voice user interface; column 10, lines 60-64), wherein the system

differentiates inexperienced (novice) and experienced users (expert; column 9, lines 3-

24) and outputs a detailed prompt to inexperienced users (prompts become longer),

while it uses a shortened prompt for experienced users (prompts become shorter),

characterized in that a dialog step with a shortened prompt is initialized on the part of

the speech dialog system (prompts should become shorter), after which a detailed

prompt is output if there is no utterance by the system user in response to the shortened

prompt after a specific time (column 10, lines 26-36 with appropriate length; column 9,

lines 3-24 and columns 25-26).

Regarding **claim 8**, Surace discloses a method wherein the shortened prompt

occurs in the form of a short audible signal (length of prompts should become shorter;

column 10, lines 26-36).

Regarding **claim 9**, Surace discloses a method wherein if the system user

repeatedly fails to make an utterance in response to the shortened prompt (having

trouble), the time period for the speech recognition timeout after which a detailed

speech output occurs is shorted (column 10, lines 26-63 with column 22, lines 50-60).

Regarding **claim 10**, Surace discloses a method wherein the time period for the

speech recognition system timeout is shortened as the number of instances in which

there is no utterance in response to the shortened prompt (user has not provided a

response) increases and occurs in a plurality of stages (column 22, lines 500-60).

Regarding **claim 11**, Surace discloses a method wherein if the system user

already responds to the shortened prompt (lengths of prompts become shorter) the time

period for the speech recognition system timeout is prolonged (column 10, lines 26-36

with column 22, lines 50-60).

Regarding **claim 12**, Surace discloses a method wherein the speech dialog

system is configured in such a way that the system user can interrupt the

outputting of the prompt by prematurely inputting a speech utterance (interrupt/barge-in;

column 7, lines 48-61).

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- Lewis et al. (PGPUB 2002/0147593) disclose categorized speech-based

  interface.

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jakieda R. Jackson whose telephone number is

571.272.7619. The examiner can normally be reached on Monday through Friday from

7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Hudspeth can be reached on 571.272.7843. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRJ
March 20, 2007

DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600